

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO.: 5:10-CV-182

CHASTITY DAVIDSON, in her individual)
capacity and as Administratrix of)
the Estate of ANTHONY DEWAYNE)
DAVIDSON,)

Plaintiff,)

vs.)

D E P O S I T I O N

CITY OF STATESVILLE;)
OFFICER DAVID WAYNE LOWERY, in his)
individual and official capacity;)
OFFICER WILLIAM HOWARD GOFORTH, in)
his individual and official capacity))
IREDELL COUNTY SHERIFF)
PHILLIP H. REDMOND, in his)
individual and official capacity;)
OHIO CASUALTY;)
OFFICER JASON PATRICK CLOER, in his)
individual and official capacity;)
and OFFICER MARC ANTHONY CUDDY)
CARMONA, in his individual of)
official capacity,)

Defendants.)

SHERIFF PHILLIP H. REDMOND

TAKEN AT THE OFFICES OF:
Iredell County Sheriff's Office
230 North Tradd Street
Statesville, North Carolina 28687

COPY

10-5-11

10:55 A.M.

Herman D. Wyatt
Court Reporter

Wyatt Legal Services, LLC
3936 Elizabeth Glen Way
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(None)

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E X H I B I T S

<u>Name</u>	<u>Offered By</u>	<u>Identified</u>
(None Offered)		

STIPULATIONS

Pursuant to Notice and/or consent of the parties, the deposition hereon captioned was conducted at the time and location indicated and was conducted before Herman D. Wyatt, Notary Public in and for the County of Guilford, State of North Carolina at Large.

Notice and/or defect in Notice of time, place, purpose and method of taking the deposition was requested. Formalities with regard to sealing and filing the deposition were waived, and it is stipulated that the original transcript, upon being certified by the undersigned court reporter, shall be made available for use in accordance with the applicable rules as amended.

It is stipulated that objections to questions and motions to strike answers are reserved until the testimony, or any part thereof, is offered for evidence, except that objection to the form of any question shall be noted herein at the time of the taking of the testimony.

Reading and signing of the testimony was requested prior to the filing of same for use as permitted by applicable rule(s).

1 The witness, SHERIFF PHILLIP H. REDMOND,
2 being first duly sworn to state the truth, the
3 whole truth, and nothing but the truth, testified
4 as follows:

5 (10:55 a.m.)

6 EXAMINATION

7 BY MS. LAREENA PHILLIPS:

8 Q. Sheriff Redmond, thank you for being
9 with us here today.

10 A. Yes, ma'am.

11 Q. I know you're a busy man so I'll start
12 by have you ever -- asking if you've ever been
13 deposed before?

14 A. Yes, ma'am.

15 Q. I'm sure you have. And I'll just say,
16 which I'm sure you already know, that I ask that
17 you listen to my questions. If I ask a question
18 that's unclear just let me know and I'll do my
19 best to clear it up for you. If at any point you
20 need to take a break just let me know and we'll
21 make sure you get that break and if you do need to
22 take a break and I'm in the middle of asking a
23 question I just ask that you finish answering that
24 question before we break.

25 Can you start by stating your name for

1 the record?

2 A. Phillip H. Redmond.

3 Q. And what's your current employment?

4 A. Sheriff of Iredell County.

5 Q. And how long have you been the sheriff
6 of Iredell County?

7 A. Since December of 1994.

8 Q. Okay. And prior to serving as sheriff
9 of Iredell County what else were you doing?

10 A. Eight years prior -- well, prior to
11 serving as sheriff I was in business for myself. I
12 owned a Superette and a restaurant, hardware store
13 and an oil company. Prior to that I was with the
14 Iredell County Sheriff's Office in 1974 to 1985
15 and then from '85 until '94.

16 Q. And you said you owned a Super Ed?

17 A. Superette, a convenience store.

18 Q. Okay. And so while you were with the
19 sheriff's department you were -- you were running
20 the Superette and the hardware store? I'm sorry I
21 got -- getting them --*

22 A. I confused you. Prior to being with the
23 sheriff's office I built and owned and operated a
24 Superette, --*

25 Q. Okay.

1 A. --* a restaurant and an oil company.

2 Q. Okay. Got you. All right. And you
3 started with the sheriff's department in '74?

4 A. Yes, ma'am.

5 Q. Okay. And you went from '74 to '85?

6 A. Yes, ma'am.

7 Q. All right. What roles did you serve or
8 what positions did you hold with the sheriff's
9 department from '74 to '85?

10 A. I started out as a -- we called it a
11 jailer back then, detention officer. Promoted to
12 the road, promoted to an investigator, also a
13 narcotics investigator, enforcement captain and
14 then chief deputy.

15 Q. So you've hold -- held almost every role
16 you can --

17 A. Yes, ma'am.

18 Q. -- within the department? And prior to
19 serving with Iredell County had you ever held any
20 other law enforcement position?

21 A. No, ma'am.

22 Q. Officer Redmond, let me ask you about
23 your role in investigating any of the facts or
24 circumstances surrounding the incident that
25 happened at the jail July 26th of 2008.

1 A. I was informed by my chief deputy, Rick
2 Dowdle, of a situation and then he advised me that
3 he had asked Internal Affairs officers to
4 investigate. At the same time he advised me that
5 the SBI had been called in by the Statesville
6 Police Department to investigate so --

7 Q. And when were you first told by Rick
8 about the incident?

9 A. During the time it occurred. I don't
10 remember what day it was or -- it was three or
11 four years ago now, but soon after it had happened
12 he notified me.

13 Q. Do you think it would have been the same
14 day?

15 A. It could have been, could have been.
16 That night or it might not be -- I just don't
17 recollect.

18 Q. Okay. It wouldn't have been any more
19 than two days or --*

20 A. Oh, no, no, ma'am.

21 Q. And what did Rick tell you about the
22 incident?

23 A. Well, to the best of my recollection
24 that a situation had occurred at the jail and they
25 had to transport the person to the hospital and he

1 later expired.

2 Q. So at the time that you spoke with Mr.
3 Dowdle Mr. Davidson had already passed away?

4 A. Yeah, I -- yeah, I'm sure of it. Well,
5 I think he had. It was during that time he
6 notified me. I can't tell you a specific time or
7 date.

8 Q. Okay. And what's typically the
9 procedure by which you would be informed of a
10 situation like the one that took place July 26th
11 of 2008?

12 A. Okay. I delegate responsibilities here
13 and I have a jail administrator who reports to the
14 chief deputy who is a former jail administrator.
15 And then he informs me what they -- what's
16 happened, what they've done and what the progress
17 is.

18 Q. And in July of 2008 who was the jail
19 administrator?

20 A. Bert Connolly I believe, Connolly.

21 Q. And who was the chief deputy?

22 A. Rick Dowdle, D-o-w-d-l-e.

23 Q. Is that the same Rick we were talking
24 about earlier?

25 A. Yes, ma'am.

1 Q. Okay. So I was pronouncing --*

2 A. Yes, ma'am.

3 Q. -- his name wrong, it's Rick Dowdle?

4 A. Dowdle.

5 Q. Okay. So after you're informed of an
6 incident and informed that the -- or in this case
7 informed that Internal Affairs and SBI would get
8 involved what's your role from then on?

9 A. Well, I don't -- I wait for a report
10 from them. I don't have a -- I delegate that
11 responsibility. They handle those situations and
12 then just let me know what takes place.

13 Q. And do you recall the first time you
14 heard anything else about the incident after you
15 were told that it occurred?

16 A. Not specifically. I just -- I know that
17 Chief Dowdle made me aware of the fact that the
18 Internal Affairs investigation had been completed
19 and that everything looked fine. And that the SBI
20 had -- was investigating through the Attorney
21 General's Office and things looked good and that's
22 it.

23 Q. And by things looked good --

24 A. Well, they didn't find us at any fault.

25 Q. In your role as sheriff are you

1 responsible for providing any information to the
2 public regarding an incident of this nature?

3 A. Well, I can. I mean, you know, -- you
4 know, we deal with the public everyday.

5 Q. Do you recall speaking to the media or
6 the public regarding this incident?

7 A. I didn't speak to the media about it --

8 Q. Okay.

9 A. -- to the best of my recollection.

10 Q. And do you recall speaking to the
11 family?

12 A. It seemed like at some time after that
13 and I can't tell you who it was, but it was --
14 Chief Dowdle was present. It was -- I think it
15 was a member of the family.

16 Q. And you say you don't recall anything
17 about that meeting?

18 A. No, it just -- sure don't.

19 Q. Do you know if it would have been his
20 wife that you spoke with, Mr. Davidson's wife?

21 A. I honestly can't tell you who it was.
22 It's long ago. I know there was a gentleman
23 present, I can't tell you -- I don't know if it's
24 his father or his brother, I don't remember that.

25 Q. And do you recall any details of the

1 conversation?

2 A. No, ma'am.

3 Q. Did you have any contact with any of
4 your deputies that were involved to discuss the
5 incident?

6 A. No, ma'am.

7 Q. So you don't speak with Deputy Cloer
8 about it?

9 A. No, ma'am.

10 Q. And you didn't speak with Deputy
11 Williams?

12 A. No, ma'am.

13 Q. Okay. Did you speak with anyone at the
14 Statesville Police Department about --

15 A. No.

16 Q. -- the incident?

17 A. Excuse me, no, ma'am.

18 Q. And do you believe Rick Dowdle may have
19 spoken with them?

20 A. I have no knowledge of it.

21 Q. All right. Let me ask you a little more
22 generally about some of the policies of the
23 Statesville Sheriff's Department. Do you know
24 whether or not you all have a policy on tasing
25 someone while handcuffed?

1 A. Yes, ma'am.

2 Q. And what's that policy?

3 A. Well, it's part of our SOP.

4 Q. And can you give me a little bit more
5 details as to what a SOP is and --

6 A. It's standard operating procedures and
7 it's prepared by a team of attorneys and reviewed
8 by the staff and signed off by -- it goes through
9 Chief Dowdle, he recommends we -- he makes his
10 recommendation as far as the jail is concerned
11 about the -- we need to -- this is the way we want
12 it.

13 Q. And what's the recommendation that you
14 provide to your deputies regarding tasing a person
15 that's handcuffed?

16 A. They're -- the SOPs presented to all of
17 them, they go through the classes, they talk about
18 what -- that's their guide. The SOP tells them
19 how they should handle every procedure.

20 Q. And do you know what the procedure is
21 yourself?

22 A. No, ma'am, I delegate that
23 responsibility to Chief Dowdle.

24 Q. In your many years of experience in law
25 enforcement have you ever known what policies

1 existed regarding tasing someone who's handcuffed?

2 A. Well, I know every agency has policies,
3 but I never carried a taser so, you know, -- and
4 with delegating authority like I do I've got chief
5 deputies and jail administrators and lieutenants
6 who --* that's their responsibility.

7 Q. And do you take -- let me start over.

8 Do you make it part of your
9 responsibilities to have an idea as to what your
10 deputies are doing and what they're being taught
11 as far as policy?

12 A. Again, it's prepared by attorneys and
13 then that's why I delegate authority, I can't be
14 everywhere. That's why I delegate different folks
15 for different responsibilities and that's their
16 responsibilities as training and overseeing of the
17 folks under them.

18 Q. And in the event a deputy is disciplined
19 would you take any parts in that?

20 A. No, ma'am.

21 Q. And who handles those?

22 A. They come through the chief deputy.

23 Q. Does the chief deputy advise you as to
24 how he thinks an officer or a deputy should be
25 disciplined?

1 A. He'll get -- he'll advise me of what
2 happened and what's he recommended to do and what
3 he's going to do. And, you know, if I was to find
4 a problem with it I could say, no, but again he's
5 got many years experience and that's why I have
6 him in that position.

7 Q. Would you say you're the final authority
8 though on handling discipline?

9 A. Actually I would be, yes.

10 Q. So everything is run by you and then
11 they give you the recommendation and if you have
12 an issue with it --

13 A. They have the authority to make the
14 decisions.

15 Q. Uh-huh (yes).

16 A. The jail administrators as well as the
17 chief deputy they have the authority to make the
18 decisions that need to be made under them. They
19 just keep me abreast of what they did and why they
20 did it.

21 Q. All right. We've talked some about
22 whether or not you all had a policy on tasing
23 someone while handcuffed and I'm correct to say
24 that you did have a policy, right?

25 A. Yes, ma'am.

1 Q. But you're saying today that you didn't
2 know what the policy was?

3 A. No, I just know it's part of our
4 standard operating procedures.

5 Q. Right.

6 A. And the chief -- the chief deputy is
7 familiar with it, helps teach it and --

8 Q. Okay. What about a policy on handling
9 someone who's suspected to have a mental illness,
10 do you know if Iredell County has a policy?

11 A. I'm sure they do. I can't tell you
12 about everything, it's a -- it's real thick. It's
13 a lot of pages, but we have policies for every
14 situation.

15 Q. Your chief deputy would have knowledge
16 of the policy?

17 A. Yes, ma'am.

18 Q. Sheriff Redmond, I'm going to ask you
19 just some general questions and, you know, again
20 you've been with law enforcement for awhile so if
21 you can answer these just let me know. But do you
22 know whether or not your deputies are trained on
23 when it's appropriate to shock a person multiple
24 times?

25 A. I haven't been through the training, but

1 again the jail administrator or the chief deputy
2 could answer that, but they do go through
3 training.

4 Q. Okay. Are you aware of any of the
5 specific findings that were made in the
6 investigation regarding the death of Anthony
7 Davidson?

8 A. No, ma'am, just our internal
9 investigation found that everybody acted
10 appropriately.

11 Q. Okay. Are you aware that the SBI
12 investigation determined that there was at least
13 10 deployments of the taser?

14 A. No, ma'am.

15 Q. And are you aware that those 10
16 deployments came from both the Statesville
17 officers and the Iredell County Sheriff's
18 deputies?

19 A. No, ma'am.

20 Q. In your experience as -- with law
21 enforcement and I'll also say as a sheriff of
22 Iredell County has anyone ever been -- let me
23 start this over.

24 Do you recall any deaths that happened
25 in proximity to a suspect being tasered at the

1 Iredell County Sheriff's Department since you --*

2 MR. FLANAGAN: Since he's been the
3 sheriff?

4 Q. Yes, since you've been the sheriff?

5 A. Not to my recollection.

6 Q. And to your recollection have there any
7 -- have there been any deaths that have occurred
8 in proximity to a suspect being tasered outside of
9 the sheriff's department so by any of your
10 deputies, but not necessary at the department?

11 A. Not that I remember, no.

12 Q. Sheriff, if two of the Statesville
13 officers who were handling Mr. Davidson both agree
14 that he was passively resisting at the time one of
15 your deputies tased him do you think it would be
16 appropriate for your deputy to tase him?

17 MR. FLANAGAN: Object to form.

18 Q. You could still answer if you know.

19 A. It's a hypothetical, I wasn't there, I
20 can't comment on it. I'm not going to comment
21 because I don't know what the situation was.

22 Q. And let me just ask you hypothetically
23 and I don't want you to give an opinion on this
24 situation, but just in your history as a law
25 enforcement officer if you are present and you see

1 two officers holding a suspect, one on each side,
2 and that suspect passively resisting would you
3 find it appropriate to tase them?

4 MR. FLANAGAN: Object to form.

5 MR. ROZELL: Same objection.

6 MR. FLANAGAN: Answer if you can.

7 A. Well, again every situation is
8 different, I wasn't there. You know, -- you know,
9 again, well, I can't -- I don't know what the
10 situation was, I don't know what's passive to one,
11 what is passive to another and I don't know the
12 reason for it, I'm just saying that, you know, I
13 don't get into hypotheticals. Every situation is
14 different. I have to be there to know what
15 actually was taking place.

16 Q. Do you ever -- in your experience as a
17 law enforcement officer can you think of any
18 situations where it would be appropriate to use a
19 taser gun on someone who's handcuffed behind their
20 back and being held by two officers?

21 A. Well, again I've never used a taser, but
22 I've been in many situations where a man
23 handcuffed and he was -- he was out of control and
24 it was -- it was a safety issue there trying to
25 subdue him. So my understanding that's what's the

1 tasers are for is to -- is to make it safe for
2 both of the -- for the defendant as well as the
3 officer.

4 Q. And in the situation that you described
5 or the situations that you're describing what
6 would you classify as out of control?

7 A. What I was describing, you know,
8 kicking, shoving. I know many folks is deadly
9 with just their feet. And, you know, we -- I've
10 been with officers when they've had arms broken,
11 legs broken, ribs broken with handcuffed to the
12 folks in the past years that I've saw so...

13 Q. And in these situations that you're
14 referencing the person was handcuffed as you were
15 -- the people were handcuffed? I know we're
16 talking in general so you're talking about
17 situations where someone is handcuffed but they
18 were able to kick or shove or break an officer's
19 arm. Is that what you're saying?

20 A. Yeah, in the past years, yes.

21 Q. Okay. And in those situations from what
22 you recall were those suspects also being held by
23 officers at the time?

24 A. I don't know whether they were held or
25 not.

1 Q. After you were told by Mr. Dowdle that
2 there was a finding of no fault did you have any
3 other -- or did you come to talk about the
4 Davidson case again?

5 A. No, ma'am.

6 Q. Do you recall having any interactions
7 with Officer Cloer in the past at all?

8 A. No, ma'am.

9 Q. Okay. So do you typically know your
10 sheriff deputies in general, just know who they
11 are, speak to them, know them by name?

12 A. Some of them. Criminal -- the criminal
13 part of it I do, I see them everyday, work with
14 them closely. But again with the jail that's run
15 through the jail administrator and the chief
16 deputy and I -- and they come and go, I don't know
17 all of the officers over there.

18 Q. Okay. So you don't know Cloer?

19 A. No, ma'am.

20 Q. Do you know Officer Williams?

21 A. No, ma'am.

22 Q. And I'm asking if you know them today,
23 do you recall knowing of them back in July of
24 2008?

25 A. No, ma'am.

1 Q. Do you recall any disciplinary actions
2 that were taking against Williams as a result of
3 this incident?

4 MR. FLANAGAN: Object to form.

5 A. Not to my recollection.

6 Q. Now, Sheriff, besides communications
7 with your attorney, I don't want to know anything
8 about that, but did you do anything else to
9 prepare for today's deposition?

10 A. No, ma'am.

11 Q. And have you talked to anyone about this
12 case in preparation for today's deposition?

13 A. No, ma'am.

14 Q. And as far as you recall the last time
15 that you discussed this case was after you learned
16 that there was a finding of no fault by the
17 internal investigator and SBI?

18 A. Best of my recollection that's the last
19 time it was brought to my attention.

20 Q. Okay. All right.

21 MS. PHILLIPS: Those are my
22 questions.

23 MR. ROZELL: I don't have any.

24 WHEREUPON, at 11:20 a.m., the deposition
25 was adjourned.

CERTIFICATION

I, Herman D. Wyatt, Notary Public in and for the County of Guilford, State of North Carolina at Large, do hereby certify:

That there appeared before me the foregoing witness at the time and place herein aforementioned;

That the said witness was sworn by me to state the truth, the whole truth, and nothing but the truth, in said cause;

That the testimony was taken before me and recorded by Stenomask, thereafter reduced to typewriting under my direct supervision, and the foregoing consecutively numbered pages are a complete and accurate record of all the testimony given by said witness;

That the undersigned is not of kin, nor in any wise associated with any of the parties to said cause of action, nor their counsel, and that I am not interested in the event(s) thereof.

IN WITNESS WHEREOF, I have hereunto set my seal this the 24th day of October, 2011.

HERMAN D. WYATT
NOTARY #:20012700061

WITNESS CERTIFICATION

I, SHERIFF PHILLIP H. REDMOND, do hereby certify,
That I have read and examined the contents of the
foregoing pages of record of testimony as given by me at the
times and place herein aforementioned;

And that to the best of my knowledge and belief, the
foregoing pages are a complete and accurate record of all
the testimony given by me at said time, except as noted on
the attached here (Addendum A).

I have _____,

Have not _____made changes/corrections to be attached.

_____ (Signature)

I, _____, Notary Public for
the County of _____, State of _____,
do hereby certify:

That the herein-above named personally appeared before
me this the ____ day of _____, 20____;

And that I personally witnessed the execution of this
document for the intents and purposes herein above
described.

NOTARY PUBLIC

My Commission Expires:

(SEAL)

Upon the reading and examination of my deposition testimony as herein transcribed, I note the following changes and/or corrections with accompanying reason(s) for said change/correction:

[illegible]